

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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ALISHA W. WILKES,

Plaintiff,

V.

1:10-CV-01160 (CMH-TRJ)

EXPERIAN INFORMATION SYSTEMS, INC.,

Defendants.

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DEPOSITION UPON ORAL EXAMINATION  
OF PETER KNAPP  
TAKEN ON BEHALF OF THE PLAINTIFF

VIRGINIA BEACH, VIRGINIA  
JUNE 1ST, 2011

Appearances:

CONSUMER LITIGATION ASSOCIATES, P.C.

By: LEONARD A. BENNETT, ESQUIRE  
Counsel for Plaintiff  
12515 Warwick Blvd. Suite 100  
Newport News, VA 23606

TROUTMAN SANDERS

By: JOHN C. LYNCH, ESQUIRE  
Counsel for GMAC  
222 Central Park Ave. Suite 2000  
Virginia Beach, VA 23462

TAYLOR WALKER

By: GREGORY W. KLEIN, ESQUIRE  
555 East Main Street  
Norfolk, VA 23510

1 A. No.

2 Q. By the way, when did the title company write its check  
3 and pay GMAC for this mortgage?

4 A. April of 2010.

5 Q. And GMAC did not remove Miss Wilkes as a foreclosure  
6 debtor credit reporting in April, 2010 either?

7 A. If you're asking whether the tradeline was removed at  
8 that time than it was odd.

9 Q. Not only was the tradeline not removed but GMAC  
10 continued to report our client was in default and had suffered a  
11 foreclosure or was suffering a foreclosure on this GMAC loan?

12 A. As of what date?

13 Q. April, 2010.

14 A. I don't believe that's accurate. I believe when we  
15 received the money we marked the account as paid.

16 Q. But still with the default in foreclosure?

17 A. Possibly.

18 Q. I show you a document that is twelve. Have you ever  
19 seen this document before?

20 A. This specifically, I might have.

21 Q. This is -- the top page is a list history, the top  
22 four pages and following that it says "credit tapes", each of  
23 these represents the monthly credit reports GMAC made about Miss  
24 Wilkes on this account, right?

25 A. I think that's accurate.

1 department following their policies and procedures didn't  
2 receive the notification they required to authorize them to  
3 remove the tradeline from the credit history until they received  
4 the letter in July.

5 Q. But they received a copy of the court order, right?  
6 GMAC did?

7 A. GMAC did, yes.

8 Q. They received that order in late February, early  
9 March, 2010?

10 A. The legal department at GMAC Mortgage did.

11 Q. And the legal department we already previously agreed  
12 would outrank the I.D. theft department, right?

13 A. Yes.

14 Q. A couple of the topics that we did just discuss  
15 included what remedies GMAC believes would exist for the  
16 plaintiff if she had made or let me rephrase to even simplify it  
17 further. What remedies existed in GMAC's opinion for any of her  
18 direct disputes, any contact she made directly to GMAC and said  
19 this is not me.

20 A. It's my understanding that if she wanted to resolve  
21 this it could have been brought through the state court action.

22 Q. How? What remedies exist in law to order your company  
23 not to credit report?

24 MR. LYNCH: Just for the record, I object to this  
25 topic. I'll allow it but this is clearly calling for a legal